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UNCLAS SECTION 01 OF 10 GEORGETOWN 000197

SIPDIS

G/TIP

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WHA/PPC - Michael Puccetti

SENSITIVE

SIPDIS

E.O. 12958: N/A

TAGS: [PHUM](#) [SMIG](#) [ASEC](#) [PREF](#) [ELAB](#) [KCRM](#) [KWMN](#) [KFRD](#) [GY](#)

SUBJECT: SIXTH ANNUAL TRAFFICKING IN PERSONS ASSESSMENT-
GUYANA

REF: STATE 3836

11. (SBU) The following is Embassy Georgetown's submission of information requested in reftel for the 2006 Annual Trafficking in Persons Report:

BEGIN REPORT. Overview of a country's activities to eliminate trafficking in persons:

-- A. Is the country a country of origin, transit, or destination for international trafficked men, women, or children? Specify numbers for each group; how they were trafficked, to where, and for what purpose. Does the trafficking occur within the country's borders? Does it occur in territory outside of the government's control (e.g. in a civil war situation)? Are any estimates or reliable numbers available as to the extent or magnitude of the problem? Please include any numbers of victims. What is (are) the source(s) of available information on trafficking in persons or what plans are in place (if any) to undertake documentation of trafficking? How reliable are the numbers and these sources? Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, etc.)?

Most TIP in Guyana occurs internally. Post has received reports of limited trans-border trafficking of victims destined for Suriname and Barbados. Within Guyana, trafficking reportedly occurs in the interior of the country, where government oversight is light and law enforcement is lacking, and between the interior and coastal communities. Statistical data is limited, but an International Organization for Migration (IOM) survey of 58 informants released in June 2005 cited 12 examples of trafficking for forced labor, 24 examples of trafficking for prostitution, and 8 cases of trafficking for purposes of domestic servitude.

A typical trafficking profile involves young women from the rural interior, primarily of Amerindian (indigenous)

descent, who receive promises to work in rum shops and restaurants on the coast and are then forced to work without compensation and/or to provide sexual services. The IOM's assessment, the most comprehensive to date, also found instances of trafficking for purposes of forced labor that involved sawmill operators or land-grant owners taking Amerindian men and boys from their communities and forcing them to engage in debt bondage.

Sources of information used to compile Post's report include the Ministry of Labor, Human Services, and Social Security (MLHSSS), the Guyana Police Force (GPF), Help and Shelter, the Guyana Human Rights Association (GHRA), Red Thread, the IOM, the Guyana Geology and Mines Commission (GGMC) and members of Parliament representing both the Government and the Opposition.

-- B. Please provide a general overview of the trafficking situation in the country and any changes since the last TIP Report (e.g. changes in direction). Also briefly explain the political will to address trafficking in persons. Other items to address may include: What kind of conditions are the victims trafficked into? Which populations are targeted by the traffickers? Who are the traffickers? What methods are used to approach victims? (Are they offered lucrative jobs, sold by their families, approached by friends of friends, etc.?) What methods are used to move the victims (e.g., are false documents being used?).

Guyana has made progress in moving beyond acknowledging TIP as a problem and identifying cases to actively prosecuting traffickers and assisting victims. The past year has seen several arrests of TIP perpetrators under the Combating Trafficking in Persons Act of 2005, and political will to

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address TIP remains evident. Significant efforts in the reporting period included 10 training sessions for community facilitators to identify and report TIP cases. The MLHSSS conducted these seminars at various sites across the country and reached an estimated 361 participants. The MLHSSS also continued outreach and sensitization campaigns to interior communities. However, despite overt political will, Guyana's capacity to secure convictions remains limited. The GOG's designated TIP coordinator reports that magistrates assigned to rural areas are unfamiliar with trafficking in persons law, and cases tried in Georgetown move at an excruciatingly slow pace amidst Guyana's heavily-backlogged judicial system. In addition, contacts in the interior report little active law enforcement activity. TIP enforcement in Guyana is still very much reactive.

Post has observed little change in the general modus operandi of traffickers. Destinations for trafficked persons tend to center around transportation and commercial nodes, notably in interior logging and mining communities and also in the Corentyne River region. Young, impoverished Amerindian women from rural areas remain the major target, and they are typically lured into jobs as waitresses at restaurants or rum shops, as domestic workers, or as salesclerks that ultimately involve sexual exploitation and uncompensated labor. In some instances, victims are forcibly abducted. In one case last year, a businessman and two accomplices were arrested for kidnapping girls from the Pomeroon River area and bringing them to work as waitresses in the Corentyne. The traffickers tend to be small business owners. Post has no information on the use of false documents in trafficking, although what trans-border trafficking that occurs generally involves movement without any documents.

-- C. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate? Is overall corruption a problem? Does the government lack the resources to aid victims?

The GOG identifies the cost and time required to access rural communities in which the majority of TIP activity occurs as a major limitation. The MLHSSS has prioritized acquisition of radio and communication sets, motorcycles and an outboard motor engine to access locations that are typically accessible only by river or several days' hike. In addition, the government's capacity to prosecute cases is severely limited. The MLHSSS's TIP coordinator has called for specialized training for legal personnel to properly investigate and prosecute TIP cases and has proposed having a specifically designated magistracy for TIP cases. Post does not have information on corruption as it specifically relates to trafficking in persons. The GOG has provided around USD 30,000 to fund Help and Shelter, a victim services provider. USAID and UNICEF have also contributed resources for victim assistance.

-- D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, prevention and victim protection) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

The MLHSSS, the designated lead agency in the GOG's anti-TIP efforts, issued an annual "Review of Counter Trafficking in Persons Activities 2004-2005" in January 2006 that included information on legislation, law enforcement activities, public awareness and sensitization programs, and victim protection efforts. The report also included an assessment of challenges and emerging needs that mainly focused on policing the vast hinterland and reaching out to Amerindian communities. In addition, the Ministry periodically released

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activity reports for its Counter-TIP Unit, which includes dates, locations, and number of participants for its public awareness and training efforts.

13. PREVENTION:

-- A. Does the government acknowledge that trafficking is a problem in that country? If no, why not?

The GOG continues to recognize trafficking in persons as a problem and works with the USG, the IOM, UNICEF and other stakeholders to combat it. TIP is regularly referenced in public discourse, and was most recently labeled as a "growing menace" in the 2006 budget speech.

-- B. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead?

The Ministry of Labor, Human Services, and Social Security is the designated lead agency for the GOG's anti-trafficking efforts. A three-person Counter-Trafficking Unit within the MLHSSS coordinates the GOG's efforts under the supervision of Minister Bibi Shadick. In addition, the Guyana Police Force (GPF), the Ministry of Amerindian Affairs, and the Guyana Geology and Mines Commission (GGMC) participate in the GOG's anti-TIP efforts. In the past, Minister Shadick has said publicly and to USG officials that human trafficking in Guyana is an Amerindian problem, therefore responsibility for combating trafficking in persons should reside with the Ministry of Amerindian Affairs.

-- C. Are there, or have there been, government-run anti-trafficking information or education campaigns? If so, briefly describe the campaign(s), including their objectives and effectiveness. Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)?

The MLHSSS has held a series of seminars since July 2004 to sensitize the public about trafficking in persons. In 2005

the Ministry launched a public awareness campaign that included an estimated 56 articles in various publications, radio programs, and meetings with prominent stakeholders in the religious, mining, business, and local government communities. Most of these activities have focused on potential victims and victim identification.

-- D. Does the government support other programs to prevent trafficking? (e.g., to promote women's participation in economic decision-making or efforts to keep children in school.) Please explain.

In January 2006, the non-governmental organization Partners of the Americas launched a U.S. Department of Labor-funded US\$2 million program to combat child labor through education. The program will focus on re-entry of truant children into the school system an awareness campaign to sensitize parents, educators, and other stakeholders of the worst forms of child labor and the importance of education. The MLHSSS has also provided seed money to families to assist with school expenses as part of its social welfare program, trained social workers in trafficking awareness, and plans to promote vocational education programs to potential trafficking targets. The MLHSSS also sponsors a domestic violence sensitization and victim assistance program through Help and Shelter. The domestic violence public awareness includes a TIP component. The NGO Red Thread, a non-government organization works with women to improve economic decision-making: efforts that are generally lauded by the GOG. The GPF works with the GHRA to provide human rights training to officers outside of Georgetown and to new officers during their orientation and training. The GHRA provides the training free of charge.

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-- F. What is the relationship between government officials, NGOs, other relevant organizations and other elements of civil society on the trafficking issue?

As reported in previous submissions, some NGO relationships with the GOG are strained, while others are getting stronger. Help and Shelter enjoys a positive relationship with the MLHSSS, although, privately, the coordinator was dismayed that Minister Shadick's mentioned of the general location of the organization's victim shelter in the press; the location is kept secret for the victim's protection. The GHRA collaborates with the GOG on training and identification, but it argues that the GOG should be more proactive in TIP enforcement. Contacts who represent Amerindian communities have echoed this claim.

-- G. Does it monitor immigration and emigration patterns for evidence of trafficking? Do law enforcement agencies screen for potential trafficking victims along borders?

The GOG's immigration record-keeping system is antiquated, and the GOG does not make a concerted effort to cull travel patterns for evidence of trafficking. To Post's knowledge, most of the trans-border human trafficking activity occurs across the country's porous borders with Suriname and Brazil, making efforts to screen for potential trafficking victims along borders extremely difficult.

-- H. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking- related matters, such as a multi- agency working group or a task force? Does the government have a trafficking in persons working group or single point of contact? Does the government have a public corruption task force?

The Counter-TIP Unit within the MLHSSS is the designated government office for TIP concerns, with Minister Bibi Shadick as the point of contact. All trafficking cases are referred to the GPF's Criminal Investigative Division. The

GPF works closely with the MLHSSS to prepare cases for prosecution. Guyana does not have a public corruption task force.

-- J. Does the government have a national plan of action to address trafficking in persons? If so, which agencies were involved in developing it? Were NGOs consulted in the process? What steps has the government taken to disseminate the action plan?

As reported in last year's submission, the GOG has a national plan of action to address TIP. The GOG, under the auspices of the MLHSSS consulted the GPF, the GGMC, the Ministry of Amerindian Affairs, the Women's Affairs Bureau, Red Thread, the GHRA, Help & Shelter, Ribbons of Life, a variety of local women's rights groups, and the IOM to develop the plan. The National Plan of Action included a nationwide public awareness campaign. The MLHSSS estimates that roughly 3,000 participants have attended the town-hall type meetings in each of Guyana's 10 regions. The Ministry worked with the IOM to train 30 trainers from each of the regions to return to their communities and raise awareness. The National Assembly passed the Combating of Trafficking in Persons Bill on December 13, 2004 as part of the plan.

14. INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

For questions A-D, posts should highlight in particular whether or not the country has enacted any new legislation since the last TIP report.

-- A. Does the country have a law specifically prohibiting trafficking in persons--both trafficking for sexual

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exploitation and trafficking for non- sexual purposes (e.g. forced labor)? If so, what is the law? Does the law(s) cover both internal and external (transnational) forms of trafficking? If not, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of prostitution by means of coercion or fraud? Are these other laws being used in trafficking cases? Are these laws, taken together, adequate to cover the full scope of trafficking in persons? Please provide a full inventory of trafficking laws, including civil penalties, (e.g., civil forfeiture laws and laws against illegal debt).

The Combating of Trafficking in Persons Act became law in April 2005. In addition, perpetrators who kidnap or lure victims for purposes of sexual exploitation may be charged under Guyanese Criminal Law Chapter 8:01, Section 87 (forced detention--sex) and Sections 72 and 73 (procurement). In addition, the Kidnapping Act Chapter 8:03 (2003) and the Labor Act (Conditions of Employment of Certain Workers) Chapter 99:03 may be relevant to TIP cases. The latter governs employment conditions for workers in rest houses, rum shops, discos, and other workplaces that typically lure TIP victims.

-- B. What are the penalties for traffickers of people for sexual exploitation? For traffickers of people for labor exploitation?

Traffickers of people convicted on summary judgment (lesser offenses) are subject to prison terms of 3-5 years. Traffickers of people convicted on indictment (more serious offenses) are subject to prison terms of 5 years to life imprisonment. All convicted traffickers are subject to confiscation of property used or gained during the course of the crime and would be ordered to pay restitution to victims.

In addition convicted traffickers face:

- two additional years imprisonment if the person used, threatened to use, or caused another to use or threaten to use a dangerous weapon;
- five additional years imprisonment if the victim suffers a serious bodily injury or if the crime involves sexual assault;
- five additional years imprisonment if the trafficking victim was exposed to life threatening illness or was forced into any addiction to drugs and/or medication;
- ten additional years imprisonment if the victim suffers a permanent or life-threatening injury;
- three additional years imprisonment if the crime was organized by an organized criminal contingent;
- four additional years imprisonment if the crime resulted from abuse of power or a position of authority.

-- C. What are the penalties for rape or forcible sexual assault? How do they compare to the penalty for sex trafficking?

Guyanese criminal law calls for a maximum of life imprisonment for rape, five years for sexual assault and ten years for forced detention for purpose of sexual exploitation. This compares to a possible sentence of 5 years to life under the TIP act.

-- D. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized? Are these laws enforced? If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in many countries with federalist systems, prostitution laws may be covered by state, local, and

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provincial authorities.

Prostitution, including the activities of the prostitute and the brothel owner/operator, clients, and pimps, are illegal in Guyana, but these laws are rarely enforced. The National Assembly passed the Age of Consent Bill in October 2005, raising the age of consent from thirteen to sixteen years of age.

-- E. Has the Government prosecuted any cases against traffickers? If so, provide numbers of investigations, prosecutions, convictions, and sentences, including details on plea bargains and fines, if relevant and available. Are the traffickers serving the time sentenced? If no, why not? Please indicate whether the government can provide this information, and if not, why not?
(Note: complete answers to this section are essential. End Note)

To date, the government has secured no convictions under the Trafficking in Persons Act passed in April 2005. Based on information provided by the MLHSSS and the GPF, Post is aware of 10 people who have been charged under the act. All the matters are still pending before the excruciatingly slow Guyanese judicial system. To post's knowledge, two defendants have been remanded to prison pending the outcome of the trial and eight were released on bail. The GPF reports 15 pending TIP investigations.

-- F. Is there any information or reports of who is behind the trafficking? For example, are the traffickers freelance operators, small crime groups, and/or large international organized crime syndicates? Are employment, travel, and tourism agencies or marriage brokers fronting for traffickers or crime groups to traffic individuals? Are government officials involved? Are there any reports of where profits from trafficking in persons are being channeled? (e.g. armed groups, terrorist organizations, judges, banks, etc.)

Reports suggest traffickers are independent business people who typically lure victims into employment at their enterprises. Several recent arrests have involved cases where a business person collaborated with residents of rural areas who trafficked women from their community. Post has no information on the direct involvement of government officials.

-- G. Does the government actively investigate cases of trafficking? (Again, the focus should be on trafficking cases versus migrant smuggling cases.) Does the government use active investigative techniques in trafficking in persons investigations? To the extent possible under domestic law, are techniques such as electronic surveillance, undercover operations, and mitigated punishment or immunity for cooperating suspects used by the government? Does the criminal procedure code or other laws prohibit the police from engaging in covert operations?

According to the GPF's designated TIP coordinator, GPF officers typically apply surveillance to suspected TIP locations to gather evidence of activity before making a raid. Criminal procedure does authorize electronic surveillance, undercover ops and plea bargaining in exchange for testimony, but Post is not aware of these techniques being applied to date in TIP cases.

-- H. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking?

Police officers have attended the MLHSSS's training sessions on TIP identification. However, contacts in the rural Rupununi region report that the police have little

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familiarity with recognizing or prosecuting TIP cases. In addition, Minister Shadick contends that magistrates assigned to rural areas are unfamiliar with the intricacies of TIP investigations and has suggested that a magistrate in Georgetown be the designated judicial official for TIP prosecutions.

--I. Does the government cooperate with other governments in the investigation and prosecution of trafficking cases? If possible, can post provide the number of cooperative international investigations on trafficking?

The MLHSSS reported two incidents of women being trafficked to Barbados in which the perpetrators were not intercepted. In addition, cooperation with Barbados authorities reportedly prevented two victims from being trafficked. The MLHSSS also works closely with the Brazilian Embassy in Georgetown to obtain information on potential Brazilian TIP victims. The previous year's submission referenced links with Suriname officials established in the wake of the discovery of women being trafficked into that country from Guyana.

-- J. Does the government extradite persons who are charged with trafficking in other countries? If so, can post provide the number of traffickers extradited? Does the government extradite its own nationals charged with such offenses? If not, is the government prohibited by law from extraditing its own nationals? If so, what is the government doing to modify its laws to permit the extradition of its own nationals?

Guyana does not have a legal restriction on the extradition of its nationals. Post is unaware of any requests to Guyana from other countries for extradition of suspects to face trafficking in persons charges.

-- K. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.

Post has no evidence of government involvement in trafficking of persons. In fact, in one case last year, the wife of a senior police official in Port Kaituma was arrested after the police received reports that she was involved in trafficking. The IOM's study does include one interview where an informant alleged that people are afraid to report trafficking to the police because the police in turn inform the proprietors where they received the information. On a broader level, weak institutions and corruption have traditionally aided and abetted migrant smuggling in Guyana.

-- L. If government officials are involved in trafficking, what steps has the government taken to end such participation? Have any government officials been prosecuted for involvement in trafficking or trafficking-related corruption? Have any been convicted? What actual sentence was imposed? Please provide specific numbers, if available.

Not applicable.

-- M. If the country has an identified child sex tourism problem (as source or destination), how many foreign pedophiles has the government prosecuted or deported/extradited to their country of origin? Does the country's child sexual abuse laws have extraterritorial coverage (like the U.S. PROTECT Act)?

Guyana is not known to be a destination for child sex tourism.

-- N. Has the government signed, ratified, and/or taken

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steps to implement the following international instruments? Please provide the date of signature/ratification if appropriate.

--ILO Convention 182 concerning the prohibition and immediate action for the elimination of the worst forms of child labor.

--ILO Convention 29 and 105 on forced or compulsory labor.

--The Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography.

--The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention Against Transnational Organized Crime.

Guyana ratified ILO Convention 182 on January 15, 2001. Guyana ratified ILO Conventions 29 and 105 on June 8, 1966. Guyana has not signed the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography or the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.

15. PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. Does the government assist victims, for example, by providing temporary to permanent residency status, relief from deportation, shelter and access to legal, medical and psychological services? If so, please explain. Does the country have victim care and victim health care facilities? If so, can post provide the number of victims placed in these care facilities?

The MLHSSS provided funding to renovate Help and Shelter's victim shelter, which was completed in late 2005. In addition, the MLHSSS's Counter-TIP Unit refers cases to probation officers who can make referrals for additional services. Help and Shelter also has a directory of relief

services. According to the IOM, there is no legislation offering alternative treatment for illegal migrants where abuse is suspected.

-- B. Does the government provide funding or other forms of support to foreign or domestic NGOs for services to victims? Please explain.

The MLHSSS provided GY\$6 million (US\$30,000) to Help and Shelter to renovate its shelter in 2005. The 2006 budget includes GY\$1 million (US\$5,000) for Help and Shelter.

-- C. Is there a screening and referral process in place, when appropriate, to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to NGO's that provide short- or long-term care?

The MLHSSS and law enforcement refer cases to Help and Shelter. Post notes that the intake forms at the shelter do not specifically inquire whether the client is a TIP victim, but the shelter's coordinator says that such information is usually indicated in the intake worker's case notes. Help and Shelter is currently not housing any TIP victims. Children are typically returned to their parents.

-- D. Are the rights of victims respected, or are victims also treated as criminals? Are victims detained, jailed, or deported? If detained or jailed, for how long? Are victims fined? Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

Post reported in its 2005 submission that some trafficking victims from Suriname were detained for immigration violations. Post has not received additional reports of such

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incidents.

-- E. Does the government encourage victims to assist in the investigation and prosecution of trafficking? May victims file civil suits or seek legal action against the traffickers? Does anyone impede the victims' access to such legal redress? If a victim is a material witness in a court case against the former employer, is the victim permitted to obtain other employment or to leave the country? Is there a victim restitution program?

There are no known restrictions on material witnesses' freedom of movement. The GOG does not have a victim restitution program, and, while victims have the legal rights to file a civil suit against a perpetrator, this has not been tested.

-- F. What kind of protection is the government able to provide for victims and witnesses? Does it provide these protections in practice? What type of shelter or services does the government provide? Does it provide shelter or any other benefits to victims for housing or other resources in order to aid the victims in rebuilding their lives? Where are child victims placed (e.g. in shelters, foster-care type systems or juvenile justice detention centers)?

Help and Shelter has a secret location where victims can be sheltered while their case is prosecuted. In addition to housing, the shelter provides counseling and medical services. Renovation is complete, and it is scheduled to formally reopen in March 2006.

-- G. Does the government provide any specialized training for government officials in recognizing trafficking and in the provision of assistance to trafficked victims, including the special needs of trafficked children? Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries? Does it urge those embassies and consulates to develop ongoing relationships

with NGOs that serve trafficked victims?

Government officials have attended the MLHSSS's workshops on TIP prevention as well as those held by the IOM. In addition, two MLHSSS representatives and representatives from two NGOs have attended overseas seminars hosted by the IOM. The GOG has not engaged its handful of overseas missions and consulates in TIP matters.

-- H. Does the government provide assistance, such as medical aid, shelter, or financial help, to its repatriated nationals who are victims of trafficking?

When the MLHSSS encounters such cases, it refers the victims to Help and Shelter as well as to the social workers in the Counter-TIP Unit. The GOG also provides medical attention, housing, and repatriation allowances to victims. In the past, repatriated victims have been provided with housing at the Amerindian Hostel in Georgetown before receiving funds to return to their communities.

-- I. Which international organizations or NGOs, if any, work with trafficking victims? What type of services do they provide? What sort of cooperation do they receive from local authorities? NOTE: If post reports that a government is incapable of assisting and protecting TIP victims, then post should explain thoroughly. Funding, personnel, and training constraints should be noted, if applicable. Conversely, a lack of political will to address the problem should be noted as well.

Help and Shelter completed renovation of its shelter in late 2005. In addition, Red Thread and the GHRA work with victims of domestic abuse, HIV/AIDS, the sex trade, and trafficking

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victims. They provide HIV/AIDS testing, counseling, and shelter. While most NGOs have not as yet worked directly with trafficking victims, all have expressed their willingness to do so. USAID, UNICEF and the IOM have assisted these efforts. END REPORT.

12. Embassy Georgetown's point of contact is Ed Luchessi, Economic/Commercial Officer, telephone (592)226-4309, IVG 747-0220, fax (592)227-0240. Embassy officers spent an estimated 24 hours preparing this report.

BULLEN